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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY
PP Docket No. 93-253

In the Matter of)
)
Implementation of Section 309(j))
of the Communications Act)
Competitive Bidding)

COMMENTS OF

ECONOMICS AND TECHNOLOGY, INC.

Economics and Technology, Inc. ("ETI") hereby submits its comments in the above-captioned matter. These comments are limited in nature, and address solely the proposed definition of "minority" as set forth at footnote 52.

Paragraph 72 of the Notice observes that "[t]he new subsection 4(D) of Section 309(j) [of the Communications Act of 1934, as amended] directs the Commission to ensure that ... businesses owned by women and minorities are 'given the opportunity to participate' in the provision of spectrum-based services." The Notice further notes that "Congress's objective was apparently to promote economic opportunity for the entities enumerated in the statute."

At paragraph 77, footnote 52, the Notice defines "minorities" to include "those of 'Black, Hispanic Surnamed, American Eskimo, Aleut, American Indian, and Asiatic American extraction.'" Authority for this apparently exclusive list is given as the

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Commission's "Statement of Policy on Minority Ownership of Broadcasting Facilities," 68 F.C.C. 2d 979, 980, n. 8 (1978).

In the intervening period since that list was compiled, Congress enacted the Americans with Disabilities Act of 1990 whose objectives were, inter alia, to provide economic opportunity for handicapped and disabled persons. 42 U.S.C. §12101 et seq. The Act defines such individuals to include any person who (i) has a physical or mental impairment that substantially limits one or more of such person's major life activities, (ii) has a record of such an impairment, or (iii) is regarded as having such an impairment. 42 U.S.C. §12102(2).

Consistent with the Commission's express recognition of Congress's objective with respect to the minority set-aside provision of the 1993 amendments to the Communications Act, i.e., to promote economic opportunity for the entities enumerated in the statute, the Commission should amend its list of qualifying "minorities" to include the handicapped and disabled, and thereby afford such individuals the same rights and opportunities, and subject them to the same rules and regulations, as will apply to any other "minority" with respect to the awarding of spectrum for wireless telecommunications services.

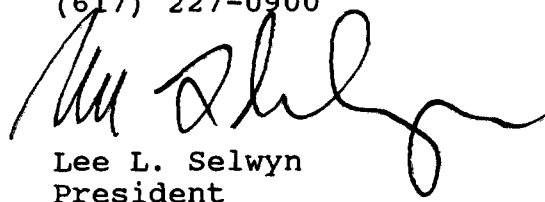
In addition to satisfying the economic opportunities goals of the Americans with Disabilities Act, inclusion of persons with disabilities within the definition of "minorities" for purposes

of the set-aside will serve the broader interests of the handicapped and disabled. Specifically, it is well recognized that modern telecommunications technology offers the potential to satisfy many of the unique needs of handicapped individuals, and the Commission has taken affirmative steps to encourage and in some cases to mandate the accommodation of existing media (e.g., television, telephone) to serve the needs of the handicapped. Examples of such initiatives include relay services and closed captioning. New Personal Communications Services (PCS) and other wireless applications may well offer particular benefit to the handicapped and disabled, and may also require specific accommodation to meet the needs of such individuals. For example, devices that utilize LCD-type displays (such as "digital assistants" like Apple's Newton) are largely useless for the blind and visually handicapped, and to the extent that new wireless applications may utilize such platforms, it is essential that measures be considered by the Commission to assure that such wireless services are made useful for these individuals. Affirmative encouragement of entry into the wireless services market by such persons and by firms controlled by them, who uniquely possess the sensitivity to the special needs of the handicapped, should help to create and foster the development and introduction of innovative new services and applications that will support the goals and the spirit of the Americans with Disabilities Act.

Accordingly, and for the reasons set forth herein, it is respectfully requested that the adopted rules governing the wireless services spectrum auctions include within the definition of "minorities" handicapped and disabled individuals and companies owned or controlled by such persons, and that the privileges and obligations of any "set-aside" be extended fully to this group.

Respectfully submitted,

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Lee L. Selwyn
President

November 10, 1993